



State of Connecticut

HOUSE OF REPRESENTATIVES STATE CAPITOL

REPRESENTATIVE MICHAEL L. MOLGANO
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MEMBER
EDUCATION COMMITTEE
GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
TRANSPORTATION COMMITTEE

Spoken

Testimony

In Support of House Bill 6291 An Act Concerning Absentee Voting by Certain Town Officials Government Administration and Elections Committee

March 11, 2013

Honorable Co-Chairs Senator Musto and Representative Jutila, Honorable Vice-Chairs Senator Meyer and Representative Lesser, Ranking Members Senator McLachlan and Representative Hwang, and members of the Government Administration and Elections Committee:

Thank you for allowing me the opportunity to testify on House Bill 6291, an act concerning absentee voting by certain town officials.

Public Act 12-193 passed the General Assembly in 2012. Included in the act is legislation I had proposed to permit City or Town Clerks, Registrars, and staff of Clerks and Registrars to vote by absentee ballot (AB) in a primary, election, or referendum. Although the proposal became law, the language drafted in statute permits these persons to voting by absentee ballot only if they are working at a polling place other than their own registered location to vote; it does not permit them voting by absentee ballot because they must remain at their assigned duty stations in a primary, election, or referendum, such as the City or Town Clerk's offices or Registrar's offices.

As I am sure you are aware on the days there are primaries, elections, or referendums, City or Town Clerks, Registrars, and staff of Clerks and Registrars report to work before polls open and remain after polls close. The intent of this legislation is simply to allow these persons to stay at their posts and perform their assigned duties throughout all the hours of voting.

To ensure language allowing City or Town Clerks, Registrars, and staff of Clerks and Registrars to vote by absentee ballot will achieve its purpose and meet with the approval of the Office of the Secretary of the State, I wrote Secretary Denise Merrill asking her office to please provide such language. Chief of Staff Shannon Wegele graciously wrote to me on January 10, 2013 (see copy attached) and suggests the following amendment to Connecticut State Statute 9-135 (a) (6):

Sec. 9-135. Absentee voting eligibility. Misrepresentation prohibited. (a) Any elector eligible to vote at a primary or an election and any person eligible to vote at a referendum may vote by absentee ballot if he or she is unable to appear at his or her polling place during the hours of voting for any of the following reasons: (1) His or her active service with the armed forces of the United States; (2) his or her absence from the town of his or her voting residence during all of the hours of voting; (3) his or her illness; (4) his or her physical disability; (5) the tenets of his or her religion forbid secular activity on the day of the primary, election or referendum; or (6) the required performance of his or her duties as a primary, election or referendum official, including as a town clerk or registrar of voters or as staff of the clerk or registrar, at a polling place other than his or her own during all of the hours of voting at such primary, election or referendum, or a town clerk or registrar of voters or as staff of the clerk or registrar who are assigned duties for the town clerk or registrar of voters for all hours of voting in a primary, election, or referendum.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink that reads "Michael L. Molgano". The signature is written in a cursive, slightly slanted style.

Michael L. Molgano
State Representative, 144th District
Stamford



Office of the Secretary of the State
State of Connecticut
P.O. Box 150470, Hartford, CT 06115-0470

DENISE W. MERRILL
Secretary of the State
JAMES FIELD SPALLONE
Deputy Secretary of the State

January 10, 2013

Representative Molgano
Legislative Office Building
Room 4200
Hartford, CT 06106

Dear Representative Molgano:

Thank you so much for your letter regarding the interpretation of your amendment made to HB 5022 (now P.A. 12-193).

Though I was not directly involved, I understand there was conversation between our agency's lawyers and the attorneys at your caucus office. It appears that the amendment may have had a drafting error.

The current language reads as follows:

the required performance of his or her duties as a primary, election or referendum official, including as a town clerk or registrar of voters or as staff of the clerk of registrar, at a polling place other than his or her own during all of the hours of voting at such primary, election or referendum.

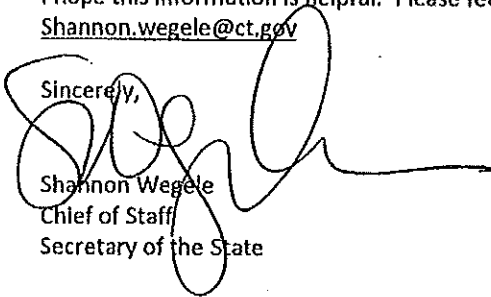
I think you intended to allow for the statute to make two different groups of people eligible for absentee ballots. The first group would be poll-workers assigned to work a poll that was not their voting location. This group was already covered. You, I think, intended to also allow for registrars, clerks and the staff that work with them on Election Day to also be eligible to cast an absentee ballot. However, as the amendment was drafted the words "at a polling place other than their own" still applies to both groups. Since the clerks' office or the registrars' office are not polling places those persons working there do not meet the qualification of working "at a polling place other than their own".

I would suggest that the following might achieve your goal:

the required performance of his or her duties as a primary, election or referendum official, including as a town clerk or registrar of voters or as staff of the clerk of registrar, at a polling place other than his or her own during all of the hours of voting at such primary, election or referendum, or a town clerk or registrar of voters or as staff of the clerk of registrar who are assigned duties for the town clerk or registrar of voters for all hours of voting in a primary, election or referendum.

I hope this information is helpful. Please feel free to contact me anytime at 860.509.6228 or Shannon.wegele@ct.gov

Sincerely,


Shannon Wegele
Chief of Staff
Secretary of the State